REMARKS

The rejection of all previously pending claims is based on the rejection of claims 1-4 and 12 under 35 U.S.C. 103(a) as being unpatentable over Kuhr et al (US 5,234,042) in view of Japan 513 (JP 2002-240513) and at least one of Himuro 384 (US 5,885,384) and Europe 971 (EP 1075971). This rejection is respectfully traversed for the following reasons.

Per the rejection in the Final Office Action, one skilled in the art would look to replace the staggered rib notches of the straight sided central rib of Kuhr with the crevices 28 of Japan 513 for improved water drainage. Using the teachings of Japan 513 wherein the highest side of the crevice 28 is the treading-in side and there is no circumferential overlapping of the staggered crevices 28 on each side of the rib, the tread of Kuhr as modified by Japan 513 would resemble that shown in Exhibit 1 (attached). In the modified tread, all of the crevices are directly adjacent the juncture of the lateral grooves 28, 29 and the circumferential grooves 35, 36 on each side of the center rib 34.

In the Advisory Action of 12/05/2005, this is acknowledged as being the correct interpretation of both Kuhr and Kuhr as modified by Japan 513. The Examiner states that Japan 513 motivates one to associate a rib chamfer with the transverse grooves and "Kuhr et al shows associating notches with the transverse grooves." These acknowledged teachings alone speak against the claim language of the rib chamfers and the block chamfers being axially adjacent.

In the Advisory Action, it is stated that Applicants Exhibit 1 (included herewith this Response) is irrelevant for the following apparent reasons. First, Exhibit 1 is held consistent with the Japan 513's teachings that the crevices are adjacent the transverse grooves. It is not seen how modifying the primary reference with the secondary references renders an exhibit "irrelevant" – it is simply providing a visual reference for discussion. Exhibit 1 shows that while it may be possible to modify Kuhr, the modified tread fails to achieve all the claimed limitations. Second, Exhibit 1 appears to be held irrelevant as the "short" crevices of Exhibit 1 do not have a circumferential length L1 of 10-50% of the footprint length. This position presumes much – a) that Figure 3 of Kuhr is the actual footprint length of Kuhr, and b) that the crevices in Exhibit 1 are "short" such that they are outside of the length L1 defined by Japan 513. Kuhr never states that the tread shown is the actual footprint and that the actual footprint length is reflected in the drawings. Those skilled in the art readily appreciate that absent any specific indication, a tread drawing shows a portion of the tread and is not the

actual footprint. In Kuhr this would be even further appreciated by the fact that the opposing edges of the tread are illustrated in a jagged manner – and not a smooth, traditional footprint presentation such as the one illustrated by Japan 513. Were the first presumption held as true, the second presumption is false - the crevices in Kuhr are not "short." When using the greatest length of Figure 3 of Kuhr as the footprint length, the crevices have a length of approximately 13% of the footprint length; when using the shortest length of Figure 3 of Kuhr as the footprint length, the crevices have a length of approximately 17.5% of the footprint length. Both these values are within the 10-50% taught by Japan 513. For these reasons, Exhibit 1 is not irrelevant.

In the Advisory Action, it is asserted that when using the length L1 taught by Japan, the chamfers are adjacent the transverse grooves *and* have a length such that the chamfers are also "axially adjacent" the axially innermost corners of the adjacent blocks (or chamfers of the blocks of Kuhr as modified by Himuro or EP). However, this then negates the teachings of Kuhr who teaches that all such notching of the center tread element, whether it be the straight rib of Figure 3 or the zigzag ribs of Figures 1 and 2, the notching is aligned with the transverse grooves to deflect water. To provide the notching with any greater length to be axially adjacent any block chamfers would destroy the teachings of Kuhr. Such a combination of references is not permissible under 35 U.S.C. § 103, as it is a lack of motivation to combine, a necessary element of *prima facie* obviousness.

Modifying the rib notches of Kuhr to crevices as disclosed by Japan 513 still fails to teach or disclose the recited invention as the modified tire of Kuhr lacks block chamfers that are axially adjacent to the rib chamfers. To overcome this deficiency in the modified tire of Kuhr, in the Final Office Action, it is stated 1) that Japan 513 suggests locating the rib chamfers axially adjacent the axially innermost corners of blocks and 2) Himuro and/or EP 971 suggest chamfering the axially innermost corners of blocks which are adjacent to the center rib to improve rigidity and drainage. Thus, per the rejection, it would have been obvious to one skilled in the art to form the crevices of Kuhr as modified axially adjacent the ends of the ribs 32, 33. Applicants respectfully disagree.

Regarding the first statement about Japan 513, the Examiner himself recognizes that Japan 513 teaches that the rib chamfer are adjacent the grooves to achieve water flow – thus contradictory arguments appear to be presented. Japan 513 teaches that the crevices 28 should be adjacent the transverse grooves 20 so that water may flow from the crevices 28 to the transverse grooves 20, but there is no suggestion that the crevices 28 must be adjacent the

innermost corners of the formed blocks 22. In Japan 513, there are many block edges that do not have a crevice 28 located adjacent thereto. In the tire of Kuhr as modified by Japan 513 as shown in Exhibit 1, the crevices are already located adjacent the lateral grooves 28, 29 and thus water is already directed to flow from the crevices 28 to the grooves 28, 29 as taught by Japan 513. To hold that the tire of Kuhr as modified above must be further modified by locating the rib chamfer adjacent any block chamfer is actually contrary to the desired teachings of Japan 513. Thus, one skilled in the art modifying the tire of Kuhr per the teachings of Japan 513 would not seek to relocate the chamfers adjacent the rib ends as this would be not be necessary to gain the benefits of improved water flow and may be seen as potentially reducing water flow.

Regarding Himuro 384 – the only embodiment showing chamfers in a central rib and an adjacent block is Figure 3. In this embodiment, the central rib does not have a configuration as taught by Kuhr, but an extremely branched configuration and due to the exact grooving configuration shown by Himuro 384, chamfering of the center rib edge is likely done to maintain an openness to the lateral groove 26. One skilled in the art reviewing Himuro 384 would find absolutely nothing relevant to the tire of Kuhr as modified above by Japan 513, especially as the rib chamfers are axially outward of the block tip chamfers. Even in the zig-zag center rib configurations of Kuhr (figs 1, 2, 7, and 8), the edges of the center rib do not extend axially into the slant grooves and past the side blocks. To attempt to use this reference in such a rejection shows an extreme attempt of hindsight use of a reference to make an argument fit the claim language.

Regarding EP 971, EP 971 teaches that the center rib pseudo land portions are adjacent the transverse grooves adjacent to the center rib. To hold that the tire of Kuhr as modified by Japan 513 must be further modified by locating the rib chamfer adjacent any block chamfer is actually contrary to the desired teachings of EP 971. In the tire of Kuhr as modified by Japan 513 as shown in Exhibit 1, the crevices are already located to direct water flow from the crevices 28 to the grooves 28, 29 as taught by EP 971. Thus, one skilled in the art modifying the tire of Kuhr per the teachings of Japan 513 would not seek to relocate the chamfers adjacent the rib ends as this would be not be necessary to gain the taught benefits of improved water flow and may be seen as potentially reducing water flow.

In further modifying the tire of Kuhr to have chamfers at the axially inner edges of the blocks in the sides of the tread, the resulting tread is as appears in Exhibit 2. In such a tread, the rib chamfers are circumferentially and axially offset from the block chamfers, as opposed

to axially adjacent, and the tire tread still achieves the goals of directing water from the rib chamfers into the grooves. However, the tire as seen in Exhibit 2 does not meet the claim limitations of the rib and block chamfers being axially adjacent.

In the Advisory Action, there appears to be the suggestion that even as illustrated in Exhibit 1, and as illustrated in new Exhibit 2, the rib crevices and the block chamfers of Kuhr as modified in the rejection are axially adjacent as recited in the claims. Applicants disagree. Websters Dictionary defines adjacent as "not distant", "having a common endpoint or border". By reciting that the chamfers are *axially* adjacent, Applicants are further indicating that the orientation of the "not distant" features, or the direction along which there is a common border. In the axial direction of the tread, the rib chamfers and the block chamfers have a common border and are next to each other. In the tread of Kuhr as fully modified in the present rejection, the rib chamfers and block chamfers are not axially adjacent as recited but are axially offset from one another, contrary to the claims.

It is requested that this rejection be reconsidered and withdrawn.

In light of this amendment, Applicants believe all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

Nancy T. Krawczyk, Reg. No. 38,744
Attorney for Applicants

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-6366
Facsimile: (330) 796-9018